

101 Correspondence
NVF
Kennett Sq, Chester Co.

164368



WESTON WAY
WEST CHESTER, PA. 19380
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ORIGINAL
(Red)

DER-RECEIVED
NORRISTOWN

JAN 29 1985

23 January 1985

Mr. Walter E. Stanley, Jr.
Chief, Operations Section
Commonwealth of Pennsylvania
Department of Environmental Resources
1875 New Hope Street
Norristown, PA 19401

Re: Industrial Waste/PCB Investigation
NVF Company
Kennett Square Borough, Chester County

Dear Mr. Stanley:

NVF has requested that we respond to your letter of 10 January 1985, on their behalf, and that we address all of the Department's concerns in order to continue working with you toward an amicable resolution of this matter.

Frankly, as a party attending our meeting of 20 November 1984, it was my impression that all representatives at that meeting would reconvene again at the plant site. This follow-up meeting would address, amongst other things, the question of the high observed concentrations of PCBs at the confluence of the "NVF tributary" and West Branch of Red Clay Creek and the possibility that these PCBs originated at another source, notably Noznesky's junkyard.

In view of this expectation, I am surprised to see that the Department has apparently made a decision that NVF is solely responsible for clean-up of the PCBs detected in our survey. We do not share this view, as it is quite well known that PCBs were in fact found on junkyard property during and after their fire, and allegedly from a "boiling" transformer on lumber yard property during and after their fire. Further, it would have been helpful in conducting our study if your data set, which was transmitted to us at our November meeting, was made available to us prior to our survey. Your data set is dated 18 April 1984; our survey was conducted on 4 September 1984.

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Prior to the conduct of our survey, we tried very hard to make sure that what we had planned to do in terms of PCB sampling was, in fact, what you required. Therefore, we strongly disagree with your statement that NVF has failed to act responsibly and expeditiously in response to this problem by initiating a thorough study. It is apparent, however, from your letter that there have been some basic misunderstandings between us as to the scope of the survey. For one thing, in our telephone conversation held shortly before 21 June 1984, you concurred with our suggestion not to do priority pollutant sampling at this time along with the PCBs because of cost and time considerations. Additionally, we believed that you agreed that testing wells for PCBs was not necessary for the survey because of the uncertain groundwater situation in that vicinity. Further, you say we sampled only part of the "swale." Our position is that we sampled the entire swale. What we did not sample was what you are calling the NVF tributary. I will concede the semantical misunderstanding here, but, please, do not assume that we did this intentionally. Finally, as to the lack of recommendations regarding clean-up, for the reasons stated above and which follow, we believe that such recommendations are premature at this point.

In view of what we know now about the swale, NVF tributary and West Branch Red Clay Creek vis-a-vis PCBs, ample justification exists to investigate the possibility of other responsible parties. My client cannot assume responsibility for the actions of other parties. We hope you will agree that it is not unreasonable to request that the question of the extent of my client's responsibility be resolved before any clean-up activities are instituted. Therefore, we request that submission of the clean-up schedule you have requested be postponed until further investigation has been completed pursuant to a schedule approved by the Department.

In your data set dated 18 April 1984, we noted a host of compounds detected in the West Branch of Red Clay Creek and at the mouth of NVF tributary. Eight of the twelve compounds noted are associated with some form of agricultural use. The other four are coal tar compounds. As you probably already know, PCBs have been used as pesticide extenders. With the exception of PCBs, NVF has no record of purchasing, storing, or using any of these compounds. I point this out to highlight that these compounds originated from other sources. In view of this and the other data cited above, we believe there are important questions to be resolved before responsibility for clean-up can be assigned.

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Accordingly, we request the opportunity to meet with you to determine what additional information is necessary to complete our survey, and to review and agree upon an additional investigation designed to identify the source or sources of PCBs in the NVF tributary. We look forward to your response to this request.

Very truly yours,

ROYAL WESTON, INC.

"non responsive based on revised scope"

Project Director

AR100060

Environmental Resources

8-354-2411

1/9/85

SUBJECT: Application No. PA 0050679

NVF Company

TO: Hennett Square Bldg Chester Co

Walter E. Stanley, Chief
Operations Section

Thru: Richard L. Hinkle, Chief
Permits Section

FROM: Sharon
Sanitary Engineer
Permits Section

Attached is a Preparedness, Prevention and Contingency Plan (PPCP) for the subject Company's pending permit-application.

☒ This PPCP is part of the Company's Part I NPDES permit application. The PPCP does not need to be approved prior to issuance of the permit. You should contact the Company directly regarding any necessary revisions. If you want to review the NPDES application, please see me.

☐ This PPCP is part of the Company's Part II construction permit application. The PPCP MUST BE APPROVED prior to issuance of the permit so we would appreciate a prompt review and approval. We will be glad to contact the Company regarding any necessary revisions as part of our technical review of the permit application. If you want to review the engineer's report, plans, etc., please see me.

Please coordinate your review with the Bureau of Solid Waste Management, and send us a copy of your final approval.

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ATTACHMENT

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